

REMARKS

This amendment is responsive to the Final Office Action of September 29, 2009. Reconsideration and allowance of **claims 3, 5, 9, 11-18, 22, and 25-36** are requested.

The Office Action

Claims 2-9, 11-22, and 25-36 stand rejected under 35 U.S.C. § 102 based on DICOM EasyVision and the DICOM EasyVision DX 8.2 Conformance Statement.

Claims 3, 15, and 13 stand rejected under 35 U.S.C. § 103 over Debbins (US 2002/0060566).

Claim 9 stands rejected under 35 U.S.C. § 103 over Debbins in view of Bitter (US 2005/0228250), further in view of Wright (US 6,004,270).

Claim 11 stands rejected under 35 U.S.C. § 103 over Debbins in view of Penner (US 6,431,175) and 35 U.S.C. § 112, second paragraph

Claims 12, 14, and 18 stand rejected under 35 U.S.C. § 103 over Debbins in view of Agfa (Infomatics-IMPAX DS3000).

Claim 15 stands rejected under 35 U.S.C. § 103 over Debbins in view of Argiro (US 5,986,662).

Claims 16 and 17 stand rejected under 35 U.S.C. § 103 over Debbins in view of Koritzinsky (US 6,272,469).

Claim 22 stands rejected 35 U.S.C. § 102 based on Berger et al. (US 2004/0015079) and under 35 U.S.C. § 101.

Claim 25 stands rejected under 35 U.S.C. § 103 over Debbins in view of Vosniak (US 2005/0020898).

Claim 26 stands rejected under 35 U.S.C. § 103 over Vosniak in view of Robarts (US 7,073,129).

Claim 27 stands rejected under 35 U.S.C. § 103 over Vosniak in view of Robarts, further in view of Debbins.

Claim 28 stands rejected under 35 U.S.C. § 103 over Vosniak in view of Robarts, further in view of Penner.

Claims 29 and 35 stand rejected under 35 U.S.C. § 103 over Vosniak in view Robarts, further in view of Agfa.

Claim 30 stands rejected under 35 U.S.C. § 103 over Vosniak in view of Roberts, further in view of Wright.

Claim 31 stands rejected under 35 U.S.C. § 103 over Vosniak in view of Roberts, further in view of Bitter.

Claim 32 stands rejected under 35 U.S.C. § 103 over Vosniak in view of Roberts, further in view of Argiro.

Claims 33 and 34 stand rejected under 35 U.S.C. § 103 over Vosniak in view of Roberts, further in view of Koritzinsky.

Claim 36 stands rejected under 35 U.S.C. § 103 over Vosniak in view of Roberts, further in view of Debbins, further yet in view Agfa, further yet in view of Wright, further yet in view of Bitter, and still further yet in view of Koritzinsky.

The Present Amendment Should Be Entered

The present amendment should be entered as reducing the issues on Appeal. The amendments to the claims address only the 35 U.S.C. § 112 and 35 U.S.C. § 101 rejections. Specifically, the language of claim 11 has been amended to address the Examiner's 35 U.S.C. § 112 rejection. As is conventional in dependent claims, the language after "wherein" limits previously recited elements. Additionally, the language of claim 22 has been amended to address the Examiner's 35 U.S.C. § 101 rejection. Specific wording choices which the Examiner found objectionable have been clarified. Because this Amendment reduces the issues on Appeal by resolving the 35 U.S.C. § 112 and 35 U.S.C. § 101 issues, it is submitted that the Amendment should be entered as reducing the issues on Appeal. Care has been taken to address the 35 U.S.C. § 112 and 35 U.S.C. § 101 issues without altering the scope of the remaining claims. Accordingly, no further search or consideration is required.

35 U.S.C. § 112, Second Paragraph

Claim 11 has been amended to address the Examiner's 35 U.S.C. § 112 rejection.

35 U.S.C. § 101

Claim 22 has been amended to address the Examiner's 35 U.S.C. § 101 rejection.

Request for the Demand
For an EasyVision DX 8.2 Manual

In response to the Examiner's demand for an EasyVision DX 8.2 Manual, Applicant is providing a Philips EasyVision User Manual, a Philips EasyVision Release Bulletin, and a Philips EasyVision System Administrators Guide. Applicant emphasizes that the present claims are directed to the set up and preparation for performing diagnostic imaging scans to generate images; whereas, EasyVision is directed to a workstation for performing functions on or handling medical data or images retrieved from a hospital database for review, e.g., by a radiologist. Accordingly, it is submitted that the Examiner has not shown that the EasyVision workstation has any relevance to the present claims.

Claims 3, 5, 9, 11-18, and 25 Distinguish Patentably
Over the References of Record

Claim 3 calls for a computer programmed to choose a limited number of selected examination protocols from among the plurality of examination protocols stored in an examination protocol database in response to receiving the patient's limiting parameters. Debbins is directed to an application development system which enables the operator to develop and add additional selectable programs/examination protocols for an MRI system but does not disclose limiting the numbers of protocols that can be selected based on the patient's limiting parameters.

Accordingly, it is submitted that independent **claim 3** and **claims 5 and 13** dependent therefrom are not anticipated by Debbins and that **claims 9, 11-18, and 25** distinguish patentably over Debbins.

Claim 22 Distinguishes Patentably
Over the Reference of Record

Claim 22 calls for entering the patient limiting parameters into the application database prior to scanning the patient, matching the patient limiting parameters with one or more optimal examination protocols stored in the application database; displaying a list of the one or more optimal examination protocols for the scanning of the patient in response to the results of the matching on a display; and displaying the list to the user to use in selecting the examination protocol to be used in the patient information on a display. Berger is directed to an ultrasonic scanning

apparatus which has a plurality of default values or histograms for the various settings and a control bar with tools for affecting the image settings. Berger does not disclose displaying a list of optimal examination protocols that match a patient limiting parameters.

Accordingly, it is submitted that independent **claim 22** is not anticipated by Berger.

**Claims 26-36 Distinguish Patentably
Over the References of Record**

Claim 26 calls for a computer programmed to select a limited number of examination protocols from a menu of available protocols in accordance with entered patient size, patient age, radiologist identification, radiologist preferences, and a nature and region of the patient to be scanned. Vosniak is directed to a system where an operator can select the scan protocol and scan parameters for a subsequent patient during the data acquisition phase of the scan of a previous patient. Once a scan protocol is selected, the protocol advises the operator to enter various scan parameters or settings. Vosniak does not disclose entering a patient limiting parameters in order to choose an optimal scan protocol. Roberts is directed to a system that filters received e-mail messages to determine if they are appropriate for a user based on the non-static, constantly evolving, context of the user. Robarts does not cure these shortcomings of Vosniak.

Accordingly, it is submitted that **claim 26** and **claims 27-36** dependent therefrom distinguish patentably and unobviously over the references of record.

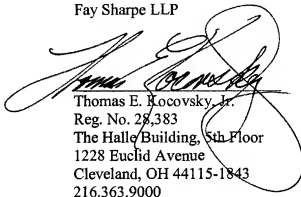
CONCLUSION

For the reasons set forth above, it is submitted that **claims 3, 5, 9, 11-18, 22, and 25-36** (all claims) distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP



Thomas E. Kocovsky, Jr.
Reg. No. 28,383
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115-1843
216.363.9000